

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

ANTOINE ODOM,

Petitioner,

Civil No. 5:09-11197

v.

HONORABLE JOHN CORBETT O'MEARA
UNITED STATES DISTRICT JUDGE

GARY CAPELLO,

Respondent,

/

**OPINION AND ORDER DENYING PETITIONER'S
MOTION FOR PREPARATION OF TRANSCRIPTS**

On March 31, 2009, petitioner filed the instant application for a writ of habeas corpus, in which he challenges his conviction for three counts of assaulting a prison employee and being a fourth felony habitual offender. Petitioner has now filed a motion, in which he asks this Court to order the prosecutor to prepare transcripts and copies of his appeal briefs from his state court files, so that petitioner can either file a post-conviction appeal in the state courts or file additional pleadings in this Court. For the reasons stated below, the motion for preparation of transcripts is **DENIED**.

28 U.S.C. § 2250 states:

"If on any application for a writ of habeas corpus an order has been made permitting the petitioner to prosecute the application in forma pauperis, the clerk of any court of the United States shall furnish to the petitioner without cost certified copies of such documents or parts of the record on file in his office as may be required by order of the judge before whom the application is pending."

The Court will deny petitioner's motion for transcripts, because petitioner has not specified why these appellate briefs or transcripts are needed for him to prepare either a post-conviction appeal in the state courts or to prepare pleadings in his federal habeas proceeding. A "blanket and noncommittal request" for documents by a habeas petitioner is insufficient to enable a federal court to make a determination of necessity pursuant to § 2250. *See Cassidy v. United States*, 304 F. Supp. 864, 867 (E.D Mo. 1969); *See also Morton v. Warren*, No. 2008 WL 4386840, * 5 (E.D. Mich. September 24, 2008); *See also United States v. Chambers*, 788 F. Supp. 334, 338 (E.D. Mich. 1992)(federal criminal defendant not entitled to production of trial transcripts on his "bald assertion" that he needed them to prepare § 2255 post-conviction motion to vacate sentence). In light of the conclusory nature of petitioner's motion for the production of the transcripts from his state court case, the motion for production of the transcripts is denied. *Id.*

Based upon the foregoing, the motion for preparation of transcripts [Dkt. # 6] is
DENIED.

s/John Corbett O'Meara

United States District Judge

Date: February 18, 2010

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, February 18, 2010, using the ECF system and/or ordinary mail.

s/William Barkholz
Case Manager